



SENATE BILL 582: North Carolina Farm Act of 2023, Sec. 17: Wastewater Amendments

2023-2024 General Assembly

Committee:		Date:	November 30, 2023
Introduced by:		Prepared by:	Chris Saunders Staff Attorney
Analysis of:	Sec. 17 of S.L. 2023-63		

OVERVIEW: *The Commission for Public Health (Commission) and the Department of Health and Human Services (DHHS) are responsible for evaluating and approving on-site wastewater systems and designating those systems as Provisional, Innovative, or Accepted. The Commission can impose conditions on the installation and use of those systems at each designation. The Commission can designate a nonproprietary wastewater system as Accepted without having received a petition from a manufacturer.*

Section 17 of S.L. 2023-63 provides that Accepted system approvals would be limited to the manufacturer who submitted the petition and received Accepted status and the Commission, DHHS, or local health department cannot condition, delay, or deny the approval based on the location of nitrification lines. The section also removes the Commission's authority to designate nonproprietary wastewater systems as Accepted without a manufacturer petition, and prohibits the Commission or DHHS from conditioning, delaying, or denying the approval of a subsurface trench dispersal product based on a non-native backfill material requirement without prior approval of the manufacturer. A technical change was made in Section 10 of S.L. 2023-90, enacted after this act became law, that corrected a mistaken reference to the "Department" instead of the "Commission."

This bill was vetoed by the Governor on June 23, 2023, and that veto was overridden by the General Assembly on June 27, 2023.

This section became effective June 27, 2023, and applies retroactively to any wastewater system approvals issued by the Commission or DHHS.

Kyle Evans, LAD Staff Attorney, substantially contributed to this summary.

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